

4025 Bott

Name John R Bott  
 By 69890 Sparks Station Rd  
 Address Route 2, Box 116cc  
Pendleton, OR 97801

Change in POU, POD  
 Date filed Aug 17, 1978  
 Date of hearing Oct 12, 1978  
 Place of hearing Pendleton  
 ✓ Date of order 10-12-78 Vol. 31, page 320  
 Date for application of water 10-1-80  
 Proof mailed 12-30-2003  
 Proof received \_\_\_\_\_  
 Certificate issued NOV 17 1978 Vol. 39, page 46937  
7/22/04 80802  
summary 12/79

Surveyed 7-26-82 (see File G-7316 for map)  
To Resurvey 5-27-86

## REMARKS

4025

## DESCRIPTION OF WATER RIGHT

Name of stream Birch Creek  
 Trib. of Umatilla River County of Umatilla  
 Use irrigation  
 Quantity of water \_\_\_\_\_ No. of acres 14  
 Name of ditch Frazier  
 Date of priority March 1904  
 In name of Carrie Sparks  
Umatilla River Adjudication, Vol. 3, page 219 ✓  
 App. No. \_\_\_\_\_ Per. No. \_\_\_\_\_ Cert. No. 2623 ✓  
 Certificate cancelled \_\_\_\_\_  
 Notation made on record by \_\_\_\_\_

## FEES PAID

Date	Amount	Receipt No.
<u>8-17-78</u>	<u>90-</u> <u>23.00</u>	<u>5545</u>
TOTAL . . .		
<u>9-27-78</u>	<u>\$2 Cert. Fee</u>	<u>Trnd fr 5545</u>
<u>EAST OREGONIAN \$37.47 pd 9-29-78 CK# 2624</u>		

## FEES REFUNDED

Date	Amount	Check No.
<u>9-29-78</u>	<u>5.53</u>	<u>2623</u>
<u>Ex 20-</u> <u>POD 15-</u> <u>POU 10-</u> <u>Cert 2-</u> <u>PON 37.47</u> <u>84.47</u>		

W.R.I.S.

Assembled 6-17-85 by SOA

Entered \_\_\_\_\_ by \_\_\_\_\_

Verified \_\_\_\_\_ by \_\_\_\_\_

TO BE ENTERED WHERE CHECKED	INDEX CARDS:	Entered	Checked
✓	Name	<u>fg</u>	_____
✓	Stream	<u>fg</u>	_____
✓	Pt. of Div.	<u>fg</u>	_____
✓	Calendar	<u>fg</u>	_____
✓	Twp. & Rge.	<u>fg</u>	_____
✓	Decree-vault	<u>WIO</u>	_____
✓	Decree-safe	<u>WIO</u>	_____
✓	Cert. of W/R	<u>WIO</u>	_____
✓	Per. Folder	_____	_____
✓	Chainindex	_____	_____
✓	Cross Ref.	_____	_____
✓	Power Claim	_____	_____
✓	Abstracts	<u>fg</u>	_____

513



STATE OF OREGON  
COUNTY OF UMATILLA  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JOHN K. BOTT  
69890 SPARKS STATION RD  
PENDLETON, OREGON 97801

confirms the right to use the waters of BIRCH CREEK, a tributary of UMATILLA RIVER, for IRRIGATION OF 5.9 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for UMATILLA COUNTY. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 3, at Page 127. The date of priority is MARCH 1904.

The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.07 CUBIC FOOT PER SECOND (IF AVAILABLE AT THE ORIGINAL POINT OF DIVERSION DESCRIBED AS THE FRAZIER DITCH LOCATED WITHIN THE NW 1/4 SE 1/4, SECTION 22, TOWNSHIP 1 NORTH, RANGE 32 EAST, W.M.; 1700 FEET NORTH AND 1700 FEET WEST FROM THE SE CORNER OF SECTION 22), or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

NE 1/4 SE 1/4, SECTION 9, TOWNSHIP 1 NORTH, RANGE 32 EAST, W.M.; 1710 FEET NORTH AND 420 FEET WEST FROM THE SE CORNER OF SECTION 9.

A description of the place of use to which this right is appurtenant is as follows:

NE 1/4 SE 1/4 1.9 ACRES  
SE 1/4 SE 1/4 4.0 ACRES  
SECTION 9  
TOWNSHIP 1 NORTH, RANGE 32 EAST, W.M.

When in the judgment of the Watermaster it becomes necessary to install headgates and measuring devices:

The diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the water user is entitled; and

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review of the order must be filed within the 60 days of the date of service.



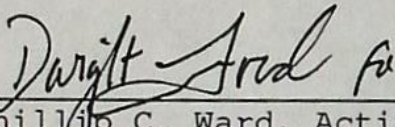
The type and plans of the measuring device be approved by the Watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said Watermaster.

This certificate is issued to confirm a change in CHANGE IN PLACE OF USE AND POINT OF DIVERSION approved by an order of the Water Resources Director entered OCTOBER 12, 1978, and together with Certificate 46937, supersedes Certificate 2623, State Record of Water Right Certificates.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in said decree.

Issued July 22, 2004.



Phillip C. Ward, Acting Director  
Water Resources Department



Recorded in State Record of Water Right Certificates Number 80802.



STATE OF OREGON

WATER DIVISION NO. 2 COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

(For Rights which have been confirmed by the Courts)

This is to Certify, That CARRIE SPARKS  
of Pendleton State of Oregon has a right to the use of  
the waters of ~~Birch Creek, and~~ Springs, tributary of the Umatilla River,

for the purpose of the irrigation of <sup>1.0</sup>~~15~~ acres, of land, domestic and stock use,

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Umatilla County, and the said decree entered of record at Salem, in the Order Record of the <sup>STATE WATER BOARD</sup>~~Superior Court~~ of the State of Oregon, in Volume <sup>3</sup>~~4~~, at page 127; that the priority of the right hereby confirmed dates from ~~March 1904~~, for Tract No. 1, and 1890 for Tract No. 2.

that the amount of water to which such right is entitled and hereby confirmed for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed <sup>0.01</sup>~~0.19~~ cubic feet per second, subject to the provisions of paragraph 33 of said decree and all other conditions and limitations contained in said decree.

A description of the lands irrigated under such right, and to which the water hereby confirmed is appurtenant, or, if for other purposes, the place where such water is put to beneficial use, is as follows: ~~Tract No. 1: 8 acres in the Northwest quarter of Southwest quarter of Section Ten and 6 acres in the Northeast quarter of Southeast quarter of Section Nine, Township One North, Range Thirty-two East of Willamette Meridian, in Umatilla County, Oregon.~~

~~Tract No. 2: 1 acre in the Northeast quarter of Southeast quarter of Section Nine, Township One, North, Range Thirty-two East of Willamette Meridian, in Umatilla County, Oregon.~~

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 2623, Volume 3, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on Oct 12, 1978, approving transfer application No. 4025.

The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described.

WITNESS the seal and signature of the <sup>State</sup>  
Water Board  
of ~~Umatilla~~ affixed this 29th day  
of December, 1919.

STATE WATER BOARD

(SEAL OF STATE WATER BOARD)

By Percy A. Cupper  
State Engineer, President

Attest:  
R. W. Potter,  
Secretary

Recorded in State Record of Water Right Certificates, Volume 15, page 2623.



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

UMATILLA COUNTY

IN THE MATTER OF THE APPLICATION )  
OF JOHN R. BOTT FOR APPROVAL OF )  
CHANGES IN PLACE OF USE AND POINT )  
DIVERSION OF WATER )  
-----

ORDER APPROVING  
TRANSFER NO. 4025

On August 17, 1978, an application was filed in the office of the Water Resources Director by John R. Bott for approval of changes in place of use and point of diversion from Birch Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 2623, Volume 3, State Record of Water Right Certificates, in the name of Carrie Sparks, describes a right which includes the use of not to exceed 0.18 cubic foot per second from Birch Creek for irrigation of 6.0 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 9 and 8.0 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 10, Township 1 North, Range 32 East, W.M., with a date of priority of March, 1904.

Water for the said right is diverted, through the Fraizer Ditch, from a point located 1700 feet North and 1700 feet West from the Southeast Corner of Section 22, being within the NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 22, Township 1 North, Range 32 East, W.M.

The applicant herein, owner of the lands above described, proposes to change the place of use and point of diversion therefrom and, without loss of priority, to irrigate in lieu thereof a certain 2.5 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$ , 7.5 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$  and 4.0 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 9, Township 1 North, Range 32 East, W.M., from a point of diversion located 1800 feet North and 380 feet West from the Southeast Corner of Section 9, being within the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 9, Township 1 North, Range 32 East, W.M.

Notice of the application, pursuant to ORS 540.520(2), was published in the East Oregonian, a newspaper printed and having general circulation in Umatilla County, Oregon, for a period of three weeks in the issues of August 23 and 30; and September 6, 1978.

Mr. William I. Porfily, Watermaster, has filed a statement to the effect that the proposed changes in place of use and point of diversion may be made without injury to existing rights.

No objections having been filed and it appearing that the proposed changes in place of use and point of diversion may be made without injury to existing rights,

131, 9320



the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested changes in place of use and point of diversion, as described herein, without loss of priority, are approved.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old point of diversion under the subject right.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the watermaster it becomes necessary to install headgates and measuring devices:

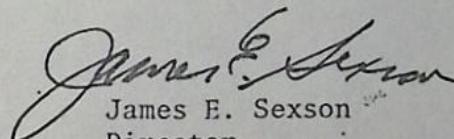
That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled;

That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made and said water so transferred shall be applied to beneficial use on or before October 1, 1980.

It is FURTHER ORDERED that the certificate of water right recorded at page 2623, Volume 3, State Record of Water Right Certificates, is canceled; and in lieu thereof a new certificate be issued covering the balance of the right NOT involved in this proceeding; and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to the applicant herein.

Dated at Salem, Oregon this 12th day of October, 1978.

  
James E. Sexson  
Director



## STATE OF OREGON

COUNTY OF UMATILLA

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That

CARRIE SPARKS

of Pendleton  
a right to the use of the waters of  
Springs

, State of Oregon, 97801 , has

a tributary of Umatilla River  
irrigation of 1.0 acre, domestic and stock use

for the purpose of

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Umatilla County, and the said decree entered of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 3 , at page 127 ; that the priority of the right thereby confirmed dates from 1890

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.01 cubic foot per second, subject to the provisions of paragraph 33 of said decree and all other conditions and limitations contained in said decree.

The point of diversion is located in the

A description of the place of use under the right, and to which such right is appurtenant, is as follows:

1.0 acre NE $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 9  
T. 1 N., R. 32 E., W. M.

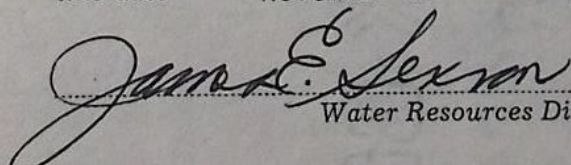
This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 2623, Volume 3, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on October 12, 1978, approving transfer application No. 4025.

The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

And said right shall be subject to all other conditions and limitations contained in said decree. The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the Water Resources Director, affixed

this date November 17 , 1978 .

  
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 39 , page 46937



# CERTIFICATE OF WATER RIGHT

STATE OF OREGON

to

Carrie Sparks

STATE OF OREGON,

County of \_\_\_\_\_

} ss.

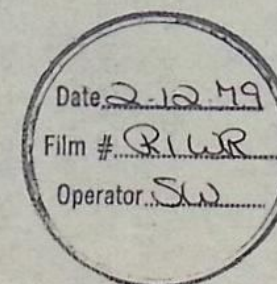
I CERTIFY, that the within was received  
and duly recorded by me in Volume \_\_\_\_\_  
of Record of Water Right Certificates, at  
Page \_\_\_\_\_, on the 23<sup>rd</sup> day  
of January, 1979.

J. Dean Fouquette Sr., County Clerk

County Clerk.

Oliver Maslko

SP\*32934-690





IN THE \_\_\_\_\_ COURT OF THE  
STATE OF OREGON FOR UMATILLA COUNTY

AFFIDAVIT OF  
PUBLICATION OF

Equity } No. \_\_\_\_\_  
Law }

**RECEIVED**  
SEP 14 1978  
WATER RESOURCES DEPT.  
SALEM, OREGON

STATE OF OREGON, } ss.  
County of Umatilla

I, Connie Ford being first duly  
sworn, depose and say that I am the principal clerk of the publisher of the East  
Oregonian, a newspaper of general circulation, as defined by ORS 193.010  
and 193.020; printed and published at Pendleton in the aforesaid county and  
state; that the EO-011 Notice of Water Right Transfer No. 4025

a printed copy of which is hereto annexed, was published in the entire issue  
of said newspaper for 3 successive and consecutive Insertions in  
the following issues:

ok Aug. 23, 30 Sept. 6, 19 78

Subscribed and sworn to before me this 7th day of  
September, 19 78

Patricia A. Carpenter  
Notary Public of Oregon

MY COMMISSION EXPIRES  
SEPT. 8, 1980

EO-011  
NOTICE OF WATER  
RIGHT TRANSFER  
APPLICATION NO. 4025  
Notice is given hereby that an  
application has been filed in the of  
fice of the Water Resources Direc  
tor by John R. Bott for approval of  
changes in place of use & point of  
diversion from Birch Creek, pur  
suant to the provisions of ORS  
540.510 to 540.530.  
The certificate recorded at page  
2623, Volume 3, State Record of  
Water Right Certificates, in the  
name of Carrie Sparks, describes  
a right which includes the use of  
not to exceed 0.18 cubic foot per se  
cond from Birch Cr. for irrigation  
of 6.0 ac in NE 1/4 SE 1/4 of Sec 9 and  
8.0 ac in NW 1/4 SW 1/4 of Sec 10, T  
1N, R 32E, WM, with a date of  
priority of March, 1904.  
Water for the said right is  
diverted, through the Frazier  
Ditch, from a point located 1700 ft  
N & 1700 ft W from the SE Corner  
of Sec 22, being within the NW 1/4  
SE 1/4 of Sec 22, T 1N, R 32E, WM.  
The applicant herein, owner of  
the lands above described, pro  
poses to change the place of use &  
point of diversion therefrom and,  
without loss of priority, to irrigate  
in lieu thereof a certain 2.5 ac in  
SE 1/4 NE 1/4, 7.5 ac in NE 1/4 SE 1/4 &  
4.0 ac in SE 1/4 SE 1/4 of Sec 9, T 1N,  
R 32E, WM, from a point of diver  
sion located 1800 ft N & 380 ft W  
from the SE Corner of Sec 9, being  
within the NE 1/4 SE 1/4 of Sec 9, T  
1N, R 32E, WM.  
All persons interested are  
notified hereby that a hearing will  
be held at the county courthouse at  
Pendleton, Oregon on October 12,  
1978, at 9:30 a.m. All objections to  
the proposed changes, if any there  
are, will be heard at said time and  
place. Any and all objections shall  
be prepared in writing, one copy  
to be served on John R. Bott, Rt. 2,  
Box 116CC, Pendleton, OR 97801,  
and one copy filed with the Water  
Resources Department, Salem,  
OR 97310, together with a \$10 filing  
fee, at least 10 days prior to the  
date set for hearing. IF NO OB  
JECTIONS ARE FILED, THE  
APPLICATION MAY BE AP  
PROVED BY THE WATER RE  
SOURCE DIRECTOR WITHOUT  
A HEARING. Administrative  
rules pertaining to the filing of a  
protest will be furnished by the  
Water Resources Department  
upon request.  
Dated at Salem, Oregon this 18th  
day of August, 1978  
James E. Sexson  
Director  
August 23, 30, September 6, 1978